

EXHIBIT 2

In the Matter Of:

RICARDO SALOM, et al. vs NATIONSTAR MORTGAGE LLC

COURTNEY EHINGER

March 11, 2025

1 MR. MANNING: Object to the form.

2 You can answer.

3 THE WITNESS: All of our processes, as well
4 as any letters or, you know, website and so forth, we
5 consider all regulations. But -- so it's always
6 considered, but there's nothing that says on here
7 Truth in Lending. But it's all considered as part of
8 our process.

9 BY MR. ROBINSON:

10 Q But there's nothing on Exhibit 47 that
11 identifies that all regulations and statutes, all
12 applicable laws, for example, were considered in
13 issuing and delivering a payoff statement to the
14 borrower?

15 MR. MANNING: Object to the form.

16 You can answer.

17 THE WITNESS: Before we would issue any
18 payoff statement, which this is a flow that would end,
19 and depending upon the loan, would, in an issue -- if
20 it did issue a payoff statement, all of federal and
21 regulatory and investor guidelines are considered.

22 BY MR. ROBINSON:

23 Q But that's not described anywhere on Exhibit
24 47?

25 MR. MANNING: Object to the form.

1 You can answer.

2 THE WITNESS: No. Because that's not the --
3 this is a process flow for an IVR. It's not a legal
4 procedure or interpretation. It's not the intent of
5 this.

6 BY MR. ROBINSON:

7 Q But the process doesn't include any
8 consideration of the applicable laws that might govern
9 it, correct?

10 MR. MANNING: Objection. That misstates
11 testimony.

12 THE WITNESS: Correct. All of our -- as I
13 stated, the process is all considered. So if I were
14 to issue a payoff statement, the process considers
15 federal, state, investor guidelines.

16 BY MR. ROBINSON:

17 Q Right. And does Exhibit 47 describe that
18 process?

19 MR. MANNING: Object to the form.

20 You can answer.

21 THE WITNESS: The process itself considers
22 it.

23 BY MR. ROBINSON:

24 Q Okay. But is there a step identified on --
25 would you agree with me that Exhibit 47 describes

1 different steps on the IVR process for requesting and
2 receiving a payoff statement?

3 A Yes.

4 Q All right. And is there any specific step
5 on Exhibit 47 that describes consideration of
6 applicable laws and industry guidelines relating to
7 fees charged on payoff statements?

8 MR. MANNING: Object to the form.

9 You can answer.

10 THE WITNESS: There are decision points
11 identified within this flow. Those decision points
12 have rules behind them that would consider applicable
13 law, federal, regulatory, et cetera.

14 BY MR. ROBINSON:

15 Q Okay. And are the decision points that
16 you've -- you're generally describing the decision
17 points, right?

18 A Yes.

19 Q And does each decision point have a written
20 set of rules that follow it somewhere?

21 A I don't know the answer to that.

22 Q And where would you go to get the answer to
23 that question?

24 A I'd have to go to IT.

25 Q All right. Is there a decision point on

1 Exhibit 47 to how the payoff sum is calculated to a
2 borrower, just generally?

3 MR. MANNING: Object to the form.

4 You can answer.

5 THE WITNESS: Can you repeat that question?

6 MR. ROBINSON: Sure.

7 BY MR. ROBINSON:

8 Q Is there a decision point on Exhibit 47 that
9 describes how the payoff sum is calculated?

10 A No. I don't think it's part of this process
11 flow.

12 Q Okay. Is there a decision point identified
13 on Exhibit 47 that shows a review of a borrower's deed
14 of trust or mortgage note or any modifications
15 thereto?

16 A No.

17 Q Is there a decision point identified on
18 Exhibit 47 that identifies any review of the Fannie
19 Mae or Freddie Mac guidelines for loans that are owned
20 by Fannie or Freddie?

21 A Without looking at all the underlying code
22 -- it doesn't state this, but the underlying code
23 considers the type of loan because the loan shows of
24 whether it's Fannie or Freddie. So it would be
25 considered as part of the process.

1 A Yes.

2 Q And what is the nature of Nationstar's
3 relationship with Fannie Mae?

4 A They're one of our investors.

5 Q Okay. And what does Nationstar mean by the
6 term investor?

7 A They own loans that we service on their
8 behalf.

9 Q And does Nationstar know how many loans it
10 services on behalf of Fannie Mae?

11 A Yes.

12 Q And would that be a significant portion of
13 its business?

14 MR. MANNING: Object to the form and scope.
15 You can answer if you know.

16 THE WITNESS: I don't know what you mean by
17 significant.

18 MR. ROBINSON: Sure.

19 BY MR. ROBINSON:

20 Q Does Fannie Mae establish any guidelines for
21 Nationstar to follow when servicing loans on its
22 behalf?

23 A Yes.

24 Q And what are those guidelines generally, as
25 you understand them?

1 Q Okay. And do you know if, at any point in
2 time, Nationstar had within the servicing department a
3 focus group on Freddie Mac loans?

4 A I don't know.

5 Q And are Nationstar employees who work on
6 servicing Fannie Mae loans expected to understand the
7 Fannie Mae guidelines governing those loans?

8 A Yes.

9 Q And what does Nationstar do to ensure that
10 Nationstar employees follow the Fannie Mae guidelines
11 when they're working with a Fannie Mae loan?

12 A There are policies and procedures that the
13 employees are trained on. The system is set up to --
14 systems are set up to comply with those rules. There
15 are testing that is completed to review if we are
16 adhering to those guidelines. Fannie Mae comes and
17 audits us to see if we are following those guidelines
18 and tests loans.

19 And then we have a change of law process
20 that would include any changes to the servicing guide
21 that would then get reviewed and implemented.

22 Q To Nationstar's knowledge, are there any
23 specific training that is undertaken for Nationstar
24 employees involved in the issuance and delivery of
25 payoff statements to borrowers in relation to Fannie

1 because you used the pronoun "my," "my letters
2 department," that's the department that reports to you
3 personally, correct?

4 A Yes.

5 Q But today you're here on behalf of
6 Nationstar, so are there any other departments that
7 you know of that provide similar training that may not
8 report to you?

9 A Not for payoff quotes.

10 Q All right. And does Nationstar have a
11 relationship with Freddie Mac?

12 A Yes.

13 Q And what is the general understanding of
14 Nationstar's relationship with Freddie Mac?

15 A The same as Fannie Mae. We service loans
16 for Freddie Mac. They are an investor.

17 Q And those loans are owned by Freddie Mac,
18 right?

19 A Yes.

20 Q And does Freddie Mac also do, as you
21 described generally, Fannie Mae does, testing, audits,
22 and other review of Nationstar's work on its behalf?

23 A Yes, they do.

24 Q All right. And then, in the audits that
25 Fannie Mae and Freddie Mac might do, do they typically

1 do 100 percent audit, or do they take a random sample
2 of files that they're auditing and reviewing?

3 MR. MANNING: Object to the form and scope.

4 You can answer if you know.

5 THE WITNESS: They could do both, depending
6 upon what they're auditing.

7 BY MR. ROBINSON:

8 Q Right. And so it's a customary practice for
9 Nationstar to be involved in audits or reviews that
10 might involve a sampling of files?

11 A Yes.

12 Q And are all the employees of Nationstar who
13 work with Freddie Mac owned mortgages expected to know
14 and follow the Freddie Mac guidelines?

15 A Generally, yes.

16 Q All right. And are they provided training
17 to adhere to those guidelines in a general sense?

18 A Yes.

19 Q And do you know if there's any specific
20 training that Nationstar employees are provided to
21 follow Freddie Mac's guidelines related to the
22 issuance and delivery of payoff statements?

23 A It would be the similar training as I
24 described for Fannie Mae.

25 Q And so that training for Fannie Mae and

1 statements to borrowers in less than seven business
2 days?

3 MR. MANNING: Object to the form.

4 You can answer.

5 THE WITNESS: That there are others that
6 charge a similar fee.

7 BY MR. ROBINSON:

8 Q And what others do you know of?

9 A Flagstar.

10 Q Anyone else?

11 A I can't remember who else.

12 Q Okay. And then so Plaintiff's provided in
13 discovery various payoff statements from Shellpoint,
14 which is another mortgage servicer, would you agree
15 with me on that?

16 A Yes.

17 Q Chase, BSI, Fay Servicing, Carrington
18 Mortgage, PHH Mortgage, Rushmore Loan Management
19 Services -- and I'm going to call that the Old
20 Rushmore, to refresh your memory -- SPS or Select
21 Portfolio Servicing, Inc., Seterus, Truist, and those
22 are collected within Exhibit 16.

23 None of those payoff statements that were
24 delivered via the Internet, fax, or otherwise charged
25 a fee to the borrower for the issuance and the

1 MR. MANNING: Object to the form.

2 You can answer it.

3 THE WITNESS: I don't know the answer to
4 that.

5 BY MR. ROBINSON:

6 Q Okay. And where would you go to get the
7 answer to that question?

8 A I would consult with my legal and compliance
9 team, to say, can we confirm that that's a standard
10 language within all of them? Interpretation to review
11 -- to confirm. It's a legal opinion.

12 Q Okay. And then is Nationstar permitted to
13 collect fees that are barred by applicable law?

14 A If it was prohibited by a law, we would not
15 charge it.

16 Q Okay. And if Nationstar made the
17 determination that a fee related to the request and
18 the delivery of a payoff statement to a borrower in
19 less than seven business days was permitted, that
20 would have been made by the compliance and legal
21 department, if I understood your earlier testimony, is
22 that correct?

23 A Yes. They would have interpreted the law to
24 say it would have been permitted.

25 Q Right. So no other department or

1 A Yeah. Let me go back to the transfer
2 notification. Yes. According to the notice of
3 transfer, we did not take over until August of 2011,
4 August 16th.

5 Q All right. So that would have been after
6 the date of default, correct?

7 A Yes.

8 Q And at the time Nationstar became the
9 servicer, it knew -- I'm sorry.

10 At the time Nationstar became the servicer
11 of Mr. Hackinen's loan, it knew that his loan was in
12 default, is that correct?

13 A That it was delinquent, yes.

14 Q Well, did it also know that it was in
15 default?

16 MR. MANNING: Object to the form.

17 You can answer.

18 THE WITNESS: I can't answer under the
19 definition of default. I just know it was past due.

20 BY MR. ROBINSON:

21 Q All right. And your position at Nationstar
22 is senior vice president for mortgage servicing, is
23 that correct?

24 A Senior vice president of performing
25 servicing.

1 IVR flow. It's just another view of it, is my
2 understanding.

3 Q So this is similar than the exhibit that we
4 went over earlier this morning, and it was 47, is that
5 correct?

6 A Correct.

7 Q So is Exhibit 45 and these two pages, the
8 first two pages, 20057 and 58, talking just about the
9 IVR process?

10 A Yes. This would be the IVR process.

11 Q All right. And so just to drill down a
12 little bit, the IVR process is an automated process
13 when a borrower calls in and goes through an
14 automation function, or is it when they're talking to
15 a live representative?

16 A No. It's when they're talking to the phone
17 system. So they're not talking to a human, the phone
18 system is speaking to them, and they are replying or
19 pushing buttons.

20 Q Okay. And so if I ask the same questions
21 that I asked earlier about Exhibit 47, in terms of the
22 rules behind the decision making, that's all
23 automated, there's no customization that takes place
24 in the decision points on here?

25 MR. MANNING: Object to the form.

1 You can answer.

2 MR. ROBINSON: If you understood my
3 question. If you didn't, tell me.

4 THE WITNESS: I think I get you. I mean,
5 it's the same answers. The rules behind it would vary
6 by loan type and investor type and so -- but -- and is
7 --

8 BY MR. ROBINSON:

9 Q And the rules are all standard and uniform
10 and established by Compliance and Legal and given to
11 someone in IT to input into the computer system, is
12 that correct?

13 MR. MANNING: Object to the form.

14 You can answer.

15 THE WITNESS: Can you rephrase that one?

16 BY MR. ROBINSON:

17 Q Right. I mean, so the rules -- who reviews
18 the rules at Nationstar that underlie the IVR process?

19 A Well, it depends on what rule we're talking
20 about.

21 Q Well, and what about the rules related to
22 payoff statements?

23 A The baseline would be what is required to be
24 in compliance, and then the business would review the
25 rules for our process to adhere to those.

1 Q Okay. But Compliance would determine, for
2 example, for this case, whether or not a fee could be
3 charged to a borrower, that's all set up in the rules,
4 correct?

5 A Yes. The underlying matrix of what would be
6 allowed or not would come from Legal and Compliance.

7 Q All right. Then the next page in that
8 exhibit is -- it's NSM_SALOM 20059. That appears to
9 be, I think, a screenshot, is that right?

10 A Yes.

11 Q And so can you describe to me what this is?

12 A This is a screenshot from the system that
13 the agent, if they're speaking to a borrower, this
14 provides the scripting that they would provide in the
15 instance of a payoff quote request where a fee would
16 be applicable.

17 So they would read off that a fee may apply,
18 there is no fee. Just summarizing, that there is no
19 fee to receive the quote by mail. And then they would
20 confirm that it had been provided. This is when an
21 agent has -- would disclose to the customer, who would
22 then agree.

23 Q Yeah. I'm not trying to quibble with you,
24 but where on here does it say that there would be --
25 oh, I'm sorry, the fourth bullet, "There would be no

1 expedited fee to receive this quote by regular mail"?

2 A That is correct.

3 Q All right. So this is essentially a script

4 for a phone operator, if I'm understanding you

5 correctly, right?

6 A Correct.

7 Q All right. And we have a hypothetical

8 borrower who's requesting this and though it's

9 populated there, correct?

10 A Correct.

11 Q And anywhere on this script, does Nationstar

12 disclose to borrowers that the fee may not be allowed

13 under either investor guidelines or applicable law?

14 MR. MANNING: Object to the form.

15 You can answer.

16 THE WITNESS: It does not state that.

17 BY MR. ROBINSON:

18 Q Right. But Nationstar knew this

19 hypothetical was a payoff requested on January 2nd,

20 2025, correct? You can see the hypothetical payoff

21 date, I think.

22 A Yeah. I don't know if that was the date it

23 was requested or the date through. I can't -- I can't

24 affirmatively state that.

25 Q But this is just a hypothetical.

1 process. There's no review when there's a telephonic
2 inquiry of the applicable laws that may govern the
3 request and whether or not the fee is permitted or
4 not, correct?

5 MR. MANNING: Object to the form. Misstates
6 testimony.

7 You can answer.

8 THE WITNESS: Yeah. The agents don't do
9 that. That's what's done at the legal and compliance
10 that would then follow the rules that would determine
11 the scripting.

12 BY MR. ROBINSON:

13 Q Right. So just like the IVR process, the
14 telephonic process doesn't have any individualized
15 determination about whether or not a fee may be
16 charged or collected, correct?

17 MR. MANNING: Object to the form. Misstates
18 testimony.

19 You can answer.

20 THE WITNESS: Yeah. What is -- what is
21 scripted for the agent is based upon rules that are
22 just as similar to the IVR that would then disclose,
23 and that would follow whether it would have been
24 allowed or not.

25 //

1 BY MR. ROBINSON:

2 Q Right. The rules established by either
3 general counsel's office or a compliance department?

4 A Generally, that's where it starts, yes.

5 Q Okay. All right. The next page in that
6 Exhibit 45 is -- I'm not exactly sure what it is, but
7 it's NSM_SALOM 20060. And I'm going to ask you what
8 it is when you're ready.

9 A All right. Appears to be just a blow up of
10 -- if we move the boxes and we can actually read it
11 from the IVR flow because it references 211351, which
12 is also on Exhibit 47. And that's just a blow up of
13 it, of the disclosure that is provided in the IVR,
14 similar to the agent that says their disclosure of the
15 fee as well as indicating there's no delivery fees if
16 we receive it by mail.

17 Q Okay. And that disclosure in the IVR
18 process, though, doesn't ask the borrower to sign
19 anything at that point in time, agreeing to the fee?

20 A No. They would confirm that they received
21 it and agreed to it electronically.

22 Q Okay. But they would not sign anything that
23 they've agreed to receive it electronically, correct?

24 A No. There is no signature.

25 Q All right. And then if you can go to the

1 next page, which is NSM_SALOM 020061, and let me know
2 what that is.

3 A That is a screenshot of a web if a customer
4 is requesting a payoff quote via the web.

5 Q Okay. And this is a screenshot that was --
6 is this for the current practice or some prior
7 practice?

8 A No. I believe it's the current practice.

9 And it varies by loan. This is just a sample because
10 sometimes there's not a prep fee, sometimes there's --
11 so.

12 Q Right. There's a hypothetical loan --

13 A This is a hypothetical.

14 Q Right. So I just want to be clear.

15 A Correct.

16 Q It identifies on the upper left hand corner,
17 1535 East Ocean, dot, dot, dot, and then some number
18 that's probably a loan number, but that's a
19 hypothetical, correct?

20 A That is correct.

21 Q All right. And so is it Nationstar's
22 practice now to charge \$45 for an instant web payoff
23 quote?

24 MR. MANNING: Object to the form.

25 You can answer, if you know. It's outside

1 CERTIFICATE OF NOTARY PUBLIC

2 I, JENNIFER DAMIANI, A Remote Online Notary
3 of the State of OHIO, duly authorized to administer
4 oaths, do hereby certify:

5 That I am a disinterested person herein;
6 that the witness, COURTNEY EHINGER, named in the
7 foregoing deposition, was by me duly sworn to testify
8 the truth, the whole truth, and nothing but the truth;
9 that the deposition was reported by me, JENNIFER
10 DAMIANI, and is a true and correct record of the
11 testimony so given.

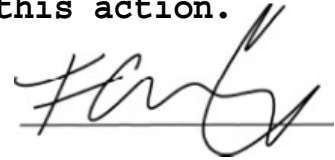
12 IN WITNESS WHEREOF, I hereby certify this
13 transcript at my office in the County of PIMA, State
14 of ARIZONA, this 11th day of March 2025.

15 

16
17 JENNIFER DAMIANI
18 Remote Notary Public in and for the
19 State of ARIZONA
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1 CERTIFICATE OF TRANSCRIBER

2 I, FREYA AMIS, do hereby certify that this
3 transcript was prepared from the digital audio
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5 transcript is a true and accurate record of the
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7 ability; that I am neither counsel for, related to,
8 nor employed by any of the parties to the action in
9 which this was taken; and, further, that I am not a
10 relative or employee of any counsel or attorney
11 employed by the parties hereto, nor financially or
12 otherwise interested in the outcome of this action.

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15 FREYA AMIS
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